

suggestions for other technical changes that would clarify or improve the rule. Three commenters addressed the technical amendments, and all three supported the changes. One commenter specifically supported the clarification that Tier 1 and Tier 2 capital is to be calculated under the OCC's risk-based capital standards and as reported in the Call Report. In light of the comments received and the OCC's further deliberations, the final rule adopts the technical changes as proposed.

Regulatory Flexibility Act

It is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. As is explained in greater detail in the preamble to this final rule, the final rule makes only stylistic changes designed to clarify various sections of part 32. The rule imposes no new burden of any sort on national banks. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

The OCC has determined that this final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Act of 1995

The OCC has determined that this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than \$100 million in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed in this final rule the regulatory alternatives considered, as would otherwise be required by the Unfunded Mandates Act of 1995. As discussed in the preamble, this final rule only clarifies certain provisions of the former rule.

List of Subjects in 12 CFR Part 32

National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, part 32 of chapter I of title 12 of the Code of Federal Regulations, is amended as follows:

PART 32—LENDING LIMITS

1. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 84, and 93a.

§ 32.2 [Amended]

2. In § 32.2, paragraph (b) is revised to read as follows:

§ 32.2 Definitions.

* * * * *

(b) *Capital and surplus* means—

(1) A bank's Tier 1 and Tier 2 capital calculated under the OCC's risk-based capital standards set forth in Appendix A to 12 CFR part 3 as reported in the bank's Consolidated Report of Condition and Income filed under 12 U.S.C. 161; plus

(2) The balance of a bank's allowance for loan and lease losses not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital described in paragraph (b)(1) of this section, as reported in the bank's Call Report filed under 12 U.S.C. 161.

* * * * *

§ 32.3 [Amended]

3. In § 32.3, paragraph (c)(4)(ii)(B) is amended by removing the term "take over" from the second sentence and adding in lieu thereof the term "pay on the obligation", and paragraph (c)(6)(ii)(B) is amended by adding the word "periodically" before the word "revalue".

4. Section 32.4 is revised to read as follows:

§ 32.4 Calculation of lending limits.

(a) *Calculation date.* For purposes of determining compliance with 12 U.S.C. 84 and this part, a bank shall determine its lending limit as of the most recent of the following dates:

(1) The last day of the preceding calendar quarter; or

(2) The date on which there is a change in the bank's capital category for purposes of 12 U.S.C. 1831o and 12 CFR 6.3.

(b) *Effective date.* (1) A bank's lending limit calculated in accordance with paragraph (a)(1) of this section will be effective as of the earlier of the following dates:

(i) The date on which the bank's Call Report is submitted; or

(ii) The date on which the bank's Call Report is required to be submitted.

(2) A bank's lending limit calculated in accordance with paragraph (a)(2) of this section will be effective on the date that the limit is to be calculated.

(c) *More frequent calculations.* If the OCC determines for safety and soundness reasons that a bank should calculate its lending limit more frequently than required by paragraph (a) of this section, the OCC may provide written notice to the bank directing the bank to calculate its lending limit at a more frequent interval, and the bank shall thereafter calculate its lending limit at that interval until further notice.

Dated: March 20, 1998.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 98-8558 Filed 3-31-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-104-AD; Amendment 39-10427; AD 98-07-08]

RIN 2120-AA64

Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra and Astra SPX Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all IAI, Ltd., Model 1125 Westwind Astra and Astra SPX series airplanes. This action requires disabling of the baggage compartment electrical heating blankets. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent overheating of the electrical heating blankets, and consequent increased risk of fire in the baggage compartment.

DATES: Effective April 16, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 16, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 1, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-104-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Administration of Israel (CAAI), which is the airworthiness authority for Israel, recently notified the FAA that an unsafe condition may exist on all IAI, Ltd., Model 1125 Westwind Astra and Astra SPX series airplanes. The CAAI advises that it has received reports of overheating of baggage compartment heating blankets, which caused delamination, heat damage, and burn marks to the blankets and baggage compartment liner. The cause of this overheating is currently under investigation. This condition, if not corrected, could result in increased risk of fire in the baggage compartment.

Explanation of Relevant Service Information

The manufacturer has issued Astra Alert Service Bulletin 1125-25A-175, dated February 22, 1998, which describes procedures for disabling of the baggage compartment electrical heating blankets. The disabling involves pulling certain circuit breakers, securing the open circuit breakers with clips or ties, tagging as "Disabled per Service Bulletin 1125-25A-175," and installing an "INOP" placard on the BAGGAGE COMPRT HEAT switch. The CAAI classified this alert service bulletin as mandatory and issued Israeli airworthiness directive 25-98-02-07, dated February 23, 1998, in order to assure the continued airworthiness of these airplanes in Israel.

FAA's Conclusions

This airplane model is manufactured in Israel and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United

States, this AD is being issued to prevent overheating of the electrical heating blankets located in the baggage compartment, and consequent increased risk of fire. This AD requires accomplishment of the actions specified in the alert service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-104-AD." The

postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98-07-08 Israel Aircraft Industries (IAI), Ltd.: Amendment 39-10427. Docket 98-NM-104-AD.

Applicability: All Model 1125 Westwind Astra and Astra SPX series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability

provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the electrical heating blankets, and consequent increased risk of fire in the baggage compartment, accomplish the following:

(a) Within 24 hours after the effective date of this AD, disable the baggage compartment heating blankets in accordance with Astra Alert Service Bulletin 1125-25A-175, dated February 22, 1998.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Astra Alert Service Bulletin 1125-25A-175, dated February 22, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Israeli airworthiness directive 25-98-02-07, dated February 23, 1998.

(e) This amendment becomes effective on April 16, 1998.

Issued in Renton, Washington, on March 24, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-8224 Filed 3-31-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-SW-67-AD; Amendment 39-10428; AD 97-24-17]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting priority letter airworthiness directive (AD) 97-24-17, which was sent previously to all known U.S. owners and operators of Bell Helicopter Textron Canada (BHTC) Model 407 helicopters by individual letters. This AD requires inspections of components in the tail rotor drive system for scratches, cracks, fretting, corrosion, and proper torquing, lubrications of the oil cooler blower shaft hanger bearings and oil cooler hanger bearings (hanger bearings), and removal of corrosion inhibitive adhesive barrier tape (barrier tape) from the tail rotor gearbox and the tail rotor gearbox support assembly faying surfaces. This amendment is prompted by numerous reports of three problems, all of which are related to the tail rotor drive system. The actions specified by this AD are intended to: detect scratches, cracks, fretting, and corrosion in the disc pack couplings; prevent inadequate lubrication of the hanger bearings and oil cooler blower shaft; and prevent loss of mounting torque on the tail rotor gearbox. Failure of any of these components could result in loss of power to the tail rotor and subsequent loss of control of the helicopter.

DATES: Effective April 16, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 97-24-17, issued on November 20, 1997, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before June 1, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-67-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Jurgen Priester, Aerospace Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas, 76137-4298, telephone (817) 222-5159, fax (817) 222-5783.

SUPPLEMENTARY INFORMATION: Transport Canada, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on the BHTC Model 407 helicopter. Transport Canada advises that some operators have reported a number of cracked disc pack couplings in Thomas disc coupling packs, part number (P/N) 406-040-340-101, and a few reports of cracks and breaks in the oil cooler blower and oil tank support brackets and associated airframe components. Transport Canada issued AD CF-97-19, dated September 30, 1997, to require a one-time inspection of the disc pack couplings, inspection of the oil cooler blower and oil tank support brackets for cracks, and general condition of the tail rotor assembly, tail rotor gearbox, tail rotor drive system, and tailboom. Later, Transport Canada also issued AD CF-97-20, dated October 17, 1997, to require repetitive inspections of the disc pack couplings every 25 hours time-in-service (TIS).

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed about the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information including the information contained in the FAA service difficulty data base, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. After reviewing the information received from Transport Canada, the reports from operators of service difficulties, and discussions with the manufacturer, the FAA further determined that AD actions relating to other tail rotor drive system components was necessary.

On November 20, 1997, the FAA issued priority letter AD 97-24-17, applicable to BHTC Model 407 helicopters, which requires visually inspecting each disc pack coupling for scratches, cracks, fretting, or corrosion and for proper torque of the disc pack coupling retaining nuts and bolts;